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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/359,809	07/23/99	LEVY	R 01064.0011-0

FINNEGAN HENDERSON FARABOW
GARRETT AND DUNNER LLP
1300 I STREET NW
WASHINGTON DC 20005-3315

IM22/1106

EXAMINER

MEDLEY, M

ART UNIT	PAPER NUMBER
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1714

DATE MAILED:

11/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/359,809

Applicant(s)
Levy, Richard

Examiner
Margaret B. Medley

Group Art Unit
1714



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 57-71 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1 and 57-71 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 57-58 and 69-70 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water...with a petroleum oil or synthetic oil lubricant or grease thereof, or fatty oil, fatty acid, or wax friction reducing material for moving surfaces, wherein the synthetic oil is being considered as a synthetic hydrocarbon oil, and a process for manufacturing said composition, classified in class 508, subclass 463+.
- II. Claims 1, 57 and 59-60 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water.... with an inorganic solid lubricant friction reducing material for moving surfaces, and a process for manufacturing said composition, classified in class 508, subclass 113+.
- III. Claims 1, 57, 61-62 and 71 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water....an organic solid lubricant friction reducing material for moving surfaces wherein the organic solids is a fluoroalkylene homopolymer... copper phthalocyanine, or mixtures thereof, or soap, and a process for manufacturing said composition, classified in class 508, subclass 181+.
- IV. Claims 1, 57 and 63 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water...

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wherein the friction material is water containing a lubricant additive, and a process for manufacturing said composition, classified in class 508, subclass 110+.

- V. Claims 1, 57 and 64 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... with oil or grease thereof and water, and a lubricant additive, as a friction reducing material for moving surfaces wherein the friction reducing material appears to be an emulsion, and a process for manufacturing said composition, classified in class 508, subclass depending on the selected type of oil or grease.
- VI. Claims 1, 57 and 65-68 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... with an inorganic solid lubricant and water, and a lubricant additive as a friction reducing material for moving surfaces wherein the friction reducing material appears to be a colloidal suspension, and process for manufacturing said composition, and wherein claim 67 phosphate is being considered as an inorganic phosphate, classified in class 508, subclass 110+.
- VII. Claims 1, 57 and 65-66 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water...with an organic solid lubricant and water, and a lubricant additive as a friction reducing material for moving surfaces wherein the friction reducing

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material appears to be an emulsion, and process for manufacturing said composition, classified in class 508, subclass 161.

The inventions are distinct, each from the other because:

Inventions I-VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP Section 806.04, MPEP Section 808.01). In the instant case the different inventions I-VII are not disclosed as capable of use together. The lubricant composition friction material of each of Groups I-VII- is not the lubricant composition friction material of each other of Groups I-VII and the search for one of the friction reducing material is not the same search required for each of the other friction reducing materials of the separate Groups I-VII. If the Examiner would have to search for every claimed friction reducing material, it would place an undue burden on the office. Each of the separate Groups I-VII friction reducing material with a superabsorbent polymer are capable of supporting individual and distinct patent invention if the claims after searching were determined to be allowable.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to Margaret B. Medley at telephone number (703) 308-2518.

M. Medley

11-01-00


MARGARET MEDLEY
PRIMARY EXAMINER
GROUP 1100